

Remarks

Claims 1-25 are pending in the application. All claims stand rejected. By this paper, claims 1, 9, 15, 19, 22, and 24 have been amended. New claims 26-36 have been included to provide claim coverage commensurate with the scope of the invention. No new matter has been added. Reconsideration of all pending claims herein is respectfully requested.

Claims 1-12 and 14-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan in view of Toader. Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan in view of Toader, and further in view of McCollum et al. ("McCollum"). These rejections are respectfully traversed.

Claim 1 has been amended to more particularly point out and distinctly claim the subject matter of the invention. As amended, claim 1 recites a method, comprising:

detecting a response, to an interactive advertisement, sent from a client terminal of a customer while the customer is viewing the interactive advertisement within a broadcast segment;

identifying customer information from the detected response;

correlating the identified customer information to merchant information to identify a specific merchant; and

triggering notification of the identified specific merchant to allow communication between the customer and the specific merchant.

These claimed features allow a customer to respond to an advertisement included within a broadcast segment, as opposed to a virtual store or other metaphor. For example, the user may be watching a sports broadcast that is interrupted by a commercial break. The ensuing advertisement may refer to an airfare promotion, as

shown in FIG. 4 of the present application. The user may know the advertisement is interactive by reason of a visual indicator (e.g., "Buy" icon). When the user responds to the advertisement (by pressing a "Buy" button or the like), the user may be placed in communication with an airline representative to complete the purchase.

By contrast, Levitan relates to a virtual store including various categories of merchandise, e.g., clothes, jewelry, etc. For example, as shown in FIG. 4, Levitan lists a number of available advertisements by type of merchandise in corresponding departments of the virtual store. The user must select one of the categories to view a an advertisement. After viewing the advertisement, the user may place an order. See col. 6, line 46 through col. 8, line 3.

Levitan could not be more different than the claimed invention. A user of Levitan's system is not watching a television broadcast when a commercial break begins, and the user is automatically provided with an opportunity to purchase an item related to the advertisement. Levitan, for example, has no need to correlate the identified customer information to merchant information to identify a specific merchant, as claimed. Levitan's virtual store is the merchant.

The addition of Toader does not cure the deficiencies of Levitan. As the Examiner points out, Toader merely discloses an Internet entry server for hot-linking the customer to a sponsor's Web page. Toader does not disclose or suggest detecting a response to an interactive advertisement sent from a client terminal of a customer while the customer is viewing the interactive advertisement within a broadcast segment, as claimed.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03. Neither Levitan nor Toader disclose or suggest the limitation of detecting a response to an interactive advertisement sent from a client terminal of a customer while the customer is viewing the interactive advertisement within a broadcast segment. Accordingly, the applicant respectfully submits that claim 1, as amended, is patentably distinct along with its dependent claims 2-14. Claim 15 has been amended to include similar limitations and is likewise believed to be patentably distinct along with its dependent claims 16-21.

Claim 7 recites that the communication between the specific merchant and the customer is conductable via video communication. As described in the present application, and recited in new claim 26, both the customer's and the merchant's systems may include video equipment to facilitate video communication, which approximates a face-to-face transaction.

To meet this limitation, the Examiner points out that Levitan "discloses a video clip." However, a video clip is not the same as video communication. A DVD could be referred to as a "video clip," but it could not be used to anticipate or render obvious a video conferencing system. Levitan does not disclose or suggest any mechanism for placing the customer in video communication with the merchant in order to approximate a face-to-face transaction. None of the cited references disclose video equipment at the customer's and merchant's locations to facilitate video communication. Accordingly, claims 7 and 26 are patentably distinct. Independent claim 22 has been amended to include this limitation and is likewise

believed to be patentably distinct, along with dependent claims 23-25, for at least the same reasons.

As amended, claims 9, 19, and 24 recite the completion of a pre-order template including at least some of the identified customer information and the merchant information and sending the completed template to the identified specific merchant. The Examiner equates Levitan's "composing an order" with the claimed "completing a template." However, claims 9, 19, and 24 now recite that the template is a pre-order template, *i.e.*, a template that is sent to the merchant prior to an order being completed to facilitate communication between the merchant and the customer. Accordingly, Levitan's order cannot be the claimed pre-order template.

New claim 27 recites registering, for a merchant, a preferred method for automatically notifying the merchant when the customer response is detected. The Examiner points to McCollum for the registering of merchants recited in claim 13. However, McCollum does not disclose or suggest registering any method, preferred or otherwise, for automatically notifying the Merchant when a customer response is detected. As the Examiner admits, McCollum merely discloses the registration of contractual information, categories for commercials, etc.

New claim 28 recites registering a telephone number of the merchant that will be automatically called when the customer response is detected. As noted above, McCollum does not disclose or suggest registering a preferred method for automatically notifying the merchant, let alone a telephone number of the merchant that will be automatically called when the customer response is detected.

New claim 29 recites registering a facsimile number of the merchant to which a facsimile will be automatically sent when the customer response is detected. As noted above, McCollum does not disclose or suggest registering a preferred method for automatically notifying the merchant, let alone a facsimile number of the merchant to which a facsimile will be automatically sent when the customer response is detected.

New claim 30 recites registering an e-mail address of the merchant to which an e-mail message will be automatically sent when the customer response is detected. As noted above, McCollum does not disclose or suggest registering a preferred method for automatically notifying the merchant, let alone an e-mail address of the merchant to which an e-mail message will be automatically sent when the customer response is detected.

New claim 31 recites registering a preferred category of customers from which to receive responses. Levitan apparently receives responses from all types of customers, not a preferred category of customers. Likewise, none of the other cited references disclose or suggest registering a preferred category of customers from which to receive responses.

New claim 32 recites registering a category of customers from a particular geographic area. None of the cited references, alone or in combination, disclose targeted advertising to a particular geographic area.

New claim 33 registering a category of customers determined to be frequent shoppers of a particular product. None of the cited references, alone or in

combination, disclose targeted advertising to frequent shoppers, let alone frequent shoppers of a particular product.

New claim 34 recites an initial step of displaying an indicator in connection with the interactive advertisement to indicate that the advertisement is interactive. When a user is watching an advertisement within a broadcast segment, as recited in amended claim 1, the indication notifies the user that the advertisement is interactive. For example, as shown in FIG. 4 of the present application, the indication may be a "Buy" icon superimposed over the advertisement. Levitan has no need for such an indicator because a user simply selects a category of merchandise from a menu in order to watch a corresponding advertisement. Similarly, neither Toader nor McCollum disclose the claimed indicator.

Claims 35 and 36 recite that the indicator is a visual indicator and an audio indicator, respectively. Even if Levitan's menu could be construed to be an indicator, which it cannot because it is not displayed to indicate that a corresponding advertisement within a broadcast segment is interactive, none of the cited references, including Levitan, disclose an audio indicator of interactivity for an advertisement.

In view of the foregoing, the applicant respectfully submits that all pending claims, including new claims 26-36, are in condition for allowance. Early allowance of all pending claims herein is respectfully requested. The Examiner is encouraged to telephone the undersigned if any issues remain.

Respectfully submitted,

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